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Adoption of the agenda and organization of work

Crime prevention and criminal justice

Draft resolution recommended by the Economic and Social Council at its 46th meeting, during its resumed substantive session of 2001, on 20 December 2001*

Terms of reference for the negotiation of an international legal instrument against corruption

The General Assembly,

Concerned about the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Recalling its resolution 51/59 of 12 December 1996, by which it adopted the International Code of Conduct for Public Officials, recommending the Code to Member States as a tool to guide their efforts against corruption,

Recalling also its resolution 51/191 of 12 December 1996, by which it adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,

Recalling further its resolution 55/61 of 4 December 2000, in which it established an ad hoc committee for the negotiation of an effective international legal instrument against corruption, and requested the Secretary-General to convene an intergovernmental open-ended expert group to examine and prepare draft terms of reference for the negotiation of such an instrument,

Recalling its resolution 55/188 of 20 December 2000, in which it invited the intergovernmental open-ended expert group convened pursuant to resolution 55/61 to examine the question of illegally transferred funds and the return of such funds to the country of origin,

* In order for the General Assembly to take action on the recommendation of the Economic and Social Council, it will be necessary for the Assembly to decide to consider directly in plenary meeting agenda item 110 (Crime prevention and criminal justice).

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Recalling also Economic and Social Council resolution 2001/13 of 24 July 2001, entitled "Strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, derived from acts of corruption, including the laundering of funds, and in returning such funds",

Reiterating the need to prepare a broad and effective international legal instrument against corruption,

Taking note of the report of the Secretary-General on existing international legal instruments, recommendations and other documents addressing corruption,[1] submitted to the Commission on Crime Prevention and Criminal Justice at its tenth session and before the meeting of the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption,

1. *Takes note with appreciation* of the report of the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption, which met in Vienna from 30 July to 3 August 2001,[2] as endorsed by the Commission on Crime Prevention and Criminal Justice at its resumed tenth session and by the Economic and Social Council;

2. *Decides* that the ad hoc committee established pursuant to General Assembly resolution 55/61 shall negotiate a broad and effective convention, which, subject to the final determination of its title, shall be referred to as the "United Nations Convention against Corruption";

3. *Requests* the ad hoc committee, in developing the draft convention, to adopt a comprehensive and multidisciplinary approach and to consider, inter alia, the following indicative elements: definitions; scope; protection of sovereignty; preventive measures; criminalization; sanctions and remedies; confiscation and seizure; jurisdiction; liability of legal persons; protection of witnesses and victims; promoting and strengthening international cooperation; preventing and combating the transfer of funds of illicit origin derived from acts of corruption, including the laundering of funds, and returning such funds; technical assistance; collection, exchange and analysis of information; and mechanisms for monitoring implementation;

4. *Invites* the ad hoc committee to draw on the report of the Intergovernmental Open-Ended Expert Group, on the report of the Secretary-General on existing international legal instruments, recommendations and other documents addressing corruption,[1] as well as on the relevant parts of the report of the Commission on Crime Prevention and Criminal Justice on its tenth session,[3] and in particular on paragraph 1 of Economic and Social Council resolution 2001/13 as resource materials in the accomplishment of its tasks;

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[1] E/CN.15/2001/3 and Corr.1.

[2] A/AC.260/2.

[3] *Official Records of the Economic and Social Council, 2001, Supplement No. 10* (E/2001/30/Rev.1).

5. *Requests* the ad hoc committee to take into consideration existing international legal instruments against corruption and, whenever relevant, the United Nations Convention against Transnational Organized Crime;[4]

6. *Decides* that the ad hoc committee shall be convened in Vienna in 2002 and 2003, as required, and shall hold no fewer than three sessions of two weeks each per year, within the overall approved appropriations of the programme budget for the biennium 2002-2003, according to a schedule to be drawn up by its bureau, and requests the ad hoc committee to complete its work by the end of 2003;

7. *Also decides* that the bureau of the ad hoc committee shall be elected by the committee itself and shall consist of two representatives from each of the five regional groups;

8. *Invites* donor countries to assist the United Nations in ensuring the full and effective participation of developing countries, in particular least developed countries, in the work of the ad hoc committee, including by covering travel and local expenses;

9. *Urges* States to be fully involved in the negotiation of the convention and to endeavour to ensure continuity in their representation;

10. *Invites* the ad hoc committee to take into consideration the contributions of non-governmental organizations and civil society, in accordance with United Nations rules and following the practice established by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime;

11. *Accepts with gratitude* the offer of the Government of Argentina to host an informal preparatory meeting of the ad hoc committee established pursuant to resolution 55/61, prior to its first session;

12. *Requests* the ad hoc committee to submit progress reports on its work to the Commission on Crime Prevention and Criminal Justice at its eleventh and twelfth sessions, in 2002 and 2003, respectively;

13. *Requests* the Secretary-General to provide the ad hoc committee with the necessary facilities and resources to support its work.

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[4] Resolution 55/25, annex.